

**ONE HORSE ESTATES
79-LOT MAJOR SUBDIVISION AND TWO VARIANCE REQUESTS**

STAFF REPORT FOR PLANNING BOARD

CASE PLANNER: Tristan Riddell *TR*

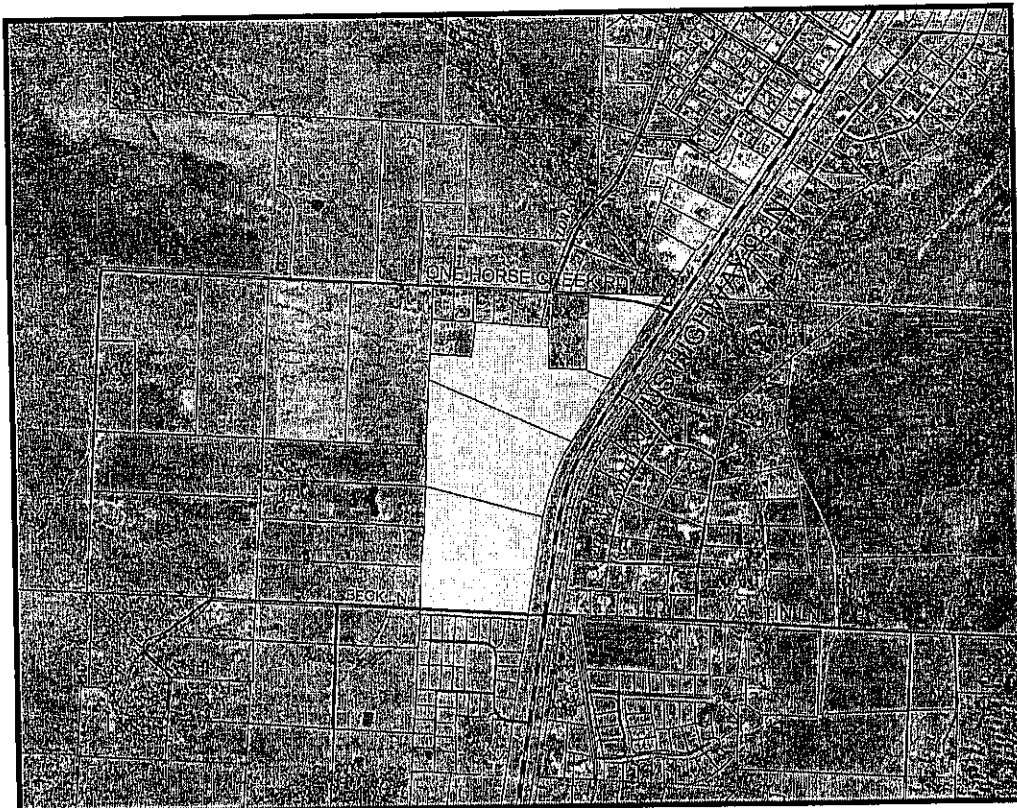
**REVIEWED/
APPROVED BY:** Renee Van Hoven *W*

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|---------------------------------------|--|---------------------------|
| PUBLIC HEARINGS/ MEETINGS: | RCPB Plat Evaluation: | October 18, 2006 |
| | RCPB Public Hearing: | November 1, 2006 |
| | Deadline for PB recommendation to BCC: | December 6, 2006 |
| | BCC Public Meeting: | 9:00a.m. January 11, 2006 |
| | Deadline for BCC action (60 working days): | February 1, 2007 |

APPLICANT/OWNER: One Horse Acres, LLC
N.W. 330 Martin Lane
Florence, MT 59833

REPRESENTATIVE: Terry Nelson, Applebury Survey, (406) 961-3267

LOCATION OF REQUEST: The property is located south of Florence off U.S. Highway 93.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION
OF PROPERTY:**

Parcels 1 and 2 of Certificate of Survey 2441 and Lots 2A and 2B AP 479226 located in a portion of the SW $\frac{1}{4}$ of Section 14, and the SE $\frac{1}{4}$ of Section 15, T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined complete on October 11, 2006. Agencies were notified of the subdivision and comments received by the Planning Department not included in the application packet are Exhibits A-1 and A-8 of the staff report.

LEGAL NOTIFICATION:

A legal advertisement was published in the Ravalli Republic on Tuesday, October 17, 2006. Notice of the project was posted on the property and adjacent property owners were notified by certified mail postmarked October 12, 2006

**DEVELOPMENT
PATTERN:**

| | |
|------------------|-------------|
| Subject property | Agriculture |
| North | Residential |
| South | Residential |
| East | Residential |
| West | Agriculture |

RAVALLI COUNTY PLANNING BOARD

NOVEMBER 1, 2006

ONE HORSE ESTATES

79-LOT MAJOR SUBDIVISION AND TWO VARIANCE REQUESTS

RECOMMENDED MOTIONS

1. That the variance request from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow the developer to complete the project in 5 phases over 10 years with a phasing plan instead of two phases to be completed within four years, be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.
2. That the variance request from Section 5-8-1 (f) of the Ravalli County Subdivision Regulations to allow the developer to make alterations to a natural drainage, be **denied**, based primarily on the comments from the U.S. Army Corps of Engineers regarding the wetlands.
3. That the One Horse Estates Major Subdivision, be **denied**, based primarily on the potential negative impacts to the natural environment regarding the comment from the U.S. Army Corps of Engineers regarding the wetlands and also the potential negative impacts to local services and the natural environment based on the recommendation from the Department of Natural Resources and Conservation for a public water system.

(Staff Note: The applicant is currently working with the U.S. Army Corps of Engineers to resolve the issues in regards to potential jurisdictional wetlands.)

MITIGATING CONDITIONS OF APPROVAL FOR VARIANCE 1

1. The proposed phasing plan shall be accepted and any changes to the order and dates of filing shall be submitted as a revised phasing plan(s) to the Board of County Commissioners for review and approval prior to the final plat approval of each phase. (*Variance #1*)
2. Easements for drainage and infrastructure necessary for each phase shall be provided for on the final plat of each phase. Infrastructure necessary for each phase shall be completed prior to filing each phase even if it is not scheduled to be finished until a future phase. The applicant shall also construct temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles for the internal roads prior to the final plat approval for each phase, unless a permanent cul-de-sac or through-road is constructed. (*Variance #1*)

SUBDIVISION REPORT

COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 62.69 acres will result in 79 lots that range in size from 20,200 square feet to 7.13 acres. The property is located approximately 1 mile south of the community of Florence off U.S. Highway 93.
2. According to the application, the property has been used for agriculture in the past.
3. According to Appendix K of the Ravalli County Subdivision Regulations, there are no Prime Farmland Soils or Farmland of Statewide Importance associated with this property.
4. The property is located in an area of mixed residential and agricultural uses. To mitigate impacts on agriculture, a notification of proximity to agricultural operations could be included in the Notifications Document filed with the first phase.

Conclusions of Law:

1. With the mitigating condition, impacts of this subdivision on surrounding agricultural practices could be minimized.
2. The creation of these lots will not take Prime Farmland or Farmland of Statewide Importance out of production.
3. The property is located in close proximity to the community of Florence in a transitional area between higher density town lots and agricultural land. This transitional area has a mixture of uses including large lot residential, commercial, and agricultural. Loss of agricultural land in this location may help to protect agricultural land further out from existing towns by providing development similar to the surrounding density.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact:

1. There are no water rights associated with this property.
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property through Lots 14, 15, 24, 25, 69, 70 and the park.
3. The portion of the natural drainage traversing the property currently functions as a ditch. In a letter dated September 29, 2006 (Exhibit A-5), the Bitterroot Conservation Supervisor states that he considers the drainage feature a ditch. The applicant has water rights associated with another property downstream of the proposed subdivision. In order to maintain the ditch, the applicant is proposing to pipe the ditch the length of the subject property. According to the applicant there are no downstream users.
4. Section 5-8-1(f) states that natural drainage ways shall be preserved. The applicant is requesting a variance from this section to allow for the piping of the ditch and staff is recommending denial based on comments from the Army Corps of Engineers (Exhibit A-6). There is wetland vegetation associated with the ditch and natural drainage. It is not known if the wetlands are jurisdictional under the Clean Water Act or not. (Variance #2).

Conclusion of Law:

While piping the ditch may positively impact agricultural water user facilities, Planning Staff cannot approve the removal of wetlands that could be jurisdictional without evidence that the wetlands are not jurisdictional or a 404 permit from the U.S. Army Corps of Engineers.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

1. U.S. Highway 93 is a State-maintained road that meets County Standards.
2. The internal road system is proposed to meet County Standards. An engineer's certification that the roads meet County Standards is a requirement of the final plat approval of each phase. The Road and Bridge Department has approved the preliminary road plans. (Exhibit A-1)
3. To mitigate impacts on local services and ensure public access, all easements for internal roads would need to be labeled as public road and utility easements on the final plat.
4. A Road Maintenance Agreement (RMA) for all the internal roads has been included in the application packet. Since Cowboy Court will only serve the lots in Phase I, a separate RMA for Cowboy Court and the lots in Phase I would need to be filed with the final plat for Phase I. A RMA for the remaining roads within the subdivision (Buckaroo Boulevard, Horseback Trail, Horseshoe Road, Bronco Court, Lariat Loop South, Lariat Loop North, and Palomino Drive) could be filed with the final plat of Phase II. To mitigate impacts on local services and public health and safety, a notification of the road maintenance agreements could be included in the Notifications Document filed with the final plat.
5. Final road plans and grading and drainage plans approved by the Road and Bridge Department, road certifications certified by a professional engineer for the internal roads, and a copy of the General Discharge Permit for Stormwater associated with construction activity from MDEQ (if applicable) would be required prior to final plat approval. All infrastructure improvements are required to be completed prior to the final plat approval for each phase.
6. To mitigate impacts on local services, the applicant could submit road name petitions approved by the County GIS department for the internal subdivision roads prior to final plat approval. To further mitigate impacts on local services, a stop sign and road name sign could be installed at the intersections of all internal roads prior to final plat approval for each phase.
7. To mitigate impacts on local services, the subdivider could place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision on the final plat. A notification of limitation of access onto a State road could also be included in the Notifications Document.
8. The subdivision is required to provide 3.85 acres of parkland. The proposed parkland dedication is 5.44 acres. The park would be maintained by the One Horse Estates Homeowners' Association. To mitigate impacts on local services, the Homeowners' Association documents could include language stating that the association is responsible for the maintenance of the park, pathways to the park, and the community wastewater treatment facilities located within the park.
9. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat could address these services/facilities.
10. Individual wells and wastewater treatment systems are proposed for lots within Phase 1 and Lots 14 and 15 of Phase 3 of this subdivision. The remaining lots will utilize individual wells and a community septic system located within the park.
11. In a letter dated October 26, 2006 (Exhibit A-7), Bill Schultz of the Department of Natural Resources and Conservation made a recommendation that the proposed subdivision install a community water system based on the density and number of lots in the proposal. The applicant has not had the opportunity to address this issue.
12. The applicant submitted plans drawings, and specifications for the community wastewater system. (Effects on Natural Environment)
13. Bitterroot Disposal provides service to this site.
14. The Florence-Carlton School District was notified of the subdivision proposal. In a letter dated October 23, 2006 (Exhibit A-2), the School District requested a contribution of \$10,418 per lot. The developer is proposing to contribute a voluntary donation to the school district in the amount of \$250 per lot. To mitigate impacts on local services, the developer could provide

evidence that a per lot contribution has been made to the School District for each phase prior to the final plat approval of each phase.

15. The subdivision is located within the Florence Rural Fire District. The Florence Rural Fire District has provided comments on previous subdivision proposals indicating they have adopted a policy which addresses access, posting of addresses, and water supply requirements (Exhibit A-3). To mitigate impacts on local services, conditions of approval could meet the recommendations of the Florence Rural Fire District.
16. To mitigate the impacts of this subdivision on local services and public health and safety, the subdivider could apply for County-issued addresses for each lot within this subdivision. A provision could be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services.
17. The Ravalli County Sheriff's Office provides law enforcement services to this area.
18. Public Services are adequate to serve this subdivision.

Conclusions of Law:

1. With mitigating conditions of approval and requirements of final plat approval, some of the impacts of the subdivision on local services could be minimized.
2. DNRC has recommended that the applicant install a public water system and the applicant has not had the opportunity to address this issue.

CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT

Findings of Fact:

1. The property is located approximately 150 feet south of One Horse Creek, which drains an area less than 15 square miles and does not require a floodplain analysis. One Horse Creek Road separates One Horse Creek from the property. To mitigate impacts on the natural environment, a notification regarding the proximity of One Horse Creek could be included in the Notifications Document.
2. The preliminary plat shows Lot 79 to have potential wetlands on the property. To mitigate impacts on the natural environment, this riparian area could be identified as a no build/alteration zone on the final plat, as shown on the preliminary plat. To further mitigate impacts on the natural environment, notification of the no-build/alteration zone could be included in the Notifications Document.
2. According to the USGS Topographic Map and 2004 Aerial Photographs, there is a natural drainage feature that flows from the west of the property and across the northern portion of the property. There is wetland vegetation associated with the ditch and natural drainage, but it is not known if the wetlands are jurisdictional under the Clean Water Act or not.
3. The portion of the natural drainage traversing the property currently functions as a ditch. In a letter dated September 29, 2006 (Exhibit A-5), the Bitterroot Conservation Supervisor states that he considers the drainage feature a ditch. The applicant has water rights associated with another property downstream of the proposed subdivision. In order to maintain the ditch, the applicant is proposing to pipe the ditch the length of the subject property.
4. Section 5-8-1(f) states that natural drainage ways shall be preserved. The applicant is requesting a variance from this section, and based on comments from the U.S. Army Corps of Engineers (USACE), staff is recommending denial. (Variance #2)
5. In an email dated October 26, 2006 (Exhibit A-6), Allan Steinle of the USACE stated that there appears to be potential jurisdictional waters on the subject property. The email noted that the USACE recommends that the developer hire a consultant to delineate any potential wetlands associated with the subject property. Any jurisdictional waters would require permits prior to any alteration and there is a potential that permits may not be granted.
6. Individual wells and wastewater treatment systems are proposed to serve all lots in Phase 1 and Lots 14 and 15 of Phase III. The remaining lots will have individual wells and be connected to a community wastewater treatment system. Adequate information has been provided to the Environmental Health Department for local subdivision review to occur. (Exhibit

A-4) DEQ will review the public wastewater treatment system and individual systems and a Certificate of Subdivision Plat Approval from DEQ for each phase is a requirement of final plat approval for each phase. Each phase will be required to meet the most current standards for DEQ approval.

7. The community sewer system is required to be installed prior to final plat approval of Phase II as part of the infrastructure requirements for this subdivision. The final plat application packet would be required to include certification by a professional engineer, for the community wastewater treatment system, as required by the Subdivision Regulations.
8. In a letter dated October 26, 2006 (Exhibit A-7), Bill Schultz of the Department of Natural Resources and Conservation made a recommendation that the proposed subdivision install a community water system based on the density and number of lots in the proposal. The applicant has not had the opportunity to address this new comment as of the date the staff report was issued.
9. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat could state that the primary heat source for any newly constructed residences must be at least 75% efficient.
10. A noxious weed and vegetation control plan is required to be filed with the final plat of each phase for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision could be included in the protective covenants filed with the final plat for this subdivision.

Conclusions of Law:

1. Based on comments received from the USACE regarding the potential presence of jurisdictional waters, this subdivision has the potential to cause negative impacts on the natural environment.
2. DNRC is recommending a public water system and the applicant has not had the opportunity to address the issue.

CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The property is located 150 feet south of One Horse Creek, there are wetlands on Lot 79, and a natural drainage traverses the northern portion of the property with associated wetlands.
3. The USACE has provided comments indicating that the natural drainage may potentially be jurisdictional waters. The USACE has recommended that the developer hire a consultant to complete a wetlands delineation. If the wetlands are shown to be jurisdictional, the developer would be required to obtain permits in accordance with the Clean Water Act prior to any alterations. It can not be assumed that, if required, permits will be granted. Any alteration associated with the natural drainage feature has the potential to negatively affect wildlife and wildlife habitat.
4. FWP has not specifically commented on this subdivision, but has recommended living with wildlife provisions for other subdivisions in the area. To mitigate impacts on wildlife, the applicant could include these provisions in the covenants.

Conclusion of Law:

Based on the presence of a natural drainage feature and comments received from the USACE regarding the potential presence of jurisdictional waters, this subdivision has the potential to have negative impacts on wildlife and wildlife habitat.

CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY

Findings of Fact:

1. The conditions that address the Fire District's recommendations could mitigate impacts on local services and public health and safety.
2. The preliminary plat shows Lot 79 to have potential wetlands on the property. To mitigate impacts on public health and safety, this riparian area could be identified as a no build/alteration zone on the final plat, as shown on the preliminary plat. To further mitigate impacts on public health and safety, notification of the no-build/alteration zone could be included in the Notifications Document.
3. The subdivision currently has a right-of-way agreement with the Montana Department of Transportation (MDT) allowing three accesses onto U.S. Highway 93. (Application) In a letter dated October 20, 2006 (Exhibit A-9) MDT states that new approach permits will be issued for the proposed use of the subdivision. The subdivider would provide approved approach permits from MDT as a requirement of final plat approval. Access to this subdivision will be adequate for public health and safety.
4. To mitigate impacts on the road system and public safety, the applicant could install stop signs at the intersections of the internal roads.
5. To mitigate impacts on public health and safety, the subdivider could place a "no ingress/egress" restriction along the U.S. Highway 93 frontage of the subdivision on the final plat. A notification of limitation of access onto a State road would be included in the Notifications Document.
6. There is the potential for more than one phase to be filed each year over the next ten years and turnarounds or through-roads will not necessarily be available for emergency vehicles until build-out. To mitigate impacts on public health and safety, temporary turnarounds with a turning radius of 50 feet and a compacted all weather travel surface that can accommodate emergency services vehicles could be constructed for internal roads with each phase, when necessary, to ensure emergency vehicles can easily access the subdivision. (Variance #1)
7. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils could be included in the Notifications Document filed with the final plat of the first phase.
8. Lots created in Phase I and Lots 14 and 15 of Phase III would be served by individual wells and wastewater treatment systems. The remaining lots would have individual wells and be connected to community wastewater treatment facilities. (Natural Environment)
9. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat would address these services/facilities.
10. To mitigate the general impacts of this subdivision on public health and safety, the subdivider could apply for County-issued addresses for each lot within this subdivision. A provision could also be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services.
11. To mitigate the impacts of light pollution stemming from new construction, the protective covenants could include a provision requiring full cut-off lighting with the exception of flag poles.
12. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property could include a statement regarding radon exposure.

Conclusion of Law:

Mitigating conditions and requirements of final plat approval could address potential impacts of this subdivision on public health and safety.

COMPLIANCE WITH:

1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements, or conditions have been required to bring the proposal into compliance.

2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

CONSISTENCY WITH EXISTING ZONING AND COVENANTS

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are existing covenants on the property. (Application) The existing covenants are proposed to be amended, so that four lots in Phase I may be used for commercial purposes. The proposed covenants were submitted at the plat evaluation on October 18, 2006. (Exhibit A-5)

Conclusion of Law:

Zoning does not apply to this property and with the new covenants, the proposal will be in compliance with the covenants.

PROVISION OF EASEMENTS FOR UTILITIES

Findings of Fact:

1. The plat indicates utility easements are located along and within the easement/right-of-way of U.S. Highway 93. Utility easements are proposed to be extended along each internal subdivision road.
2. According to the application, the proposed subdivision will be served by Northwester Energy and Qwest Telephone.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

PROVISION OF LEGAL AND PHYSICAL ACCESS

Finding of Fact:

Physical and legal access for this subdivision is proposed via U.S. Highway 93. The lots will access off internal roads. (Local Services)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.

VARIANCE REPORT

VARIANCE REQUEST#1

The applicant has requested a variance from Section 3-2-21 of the Ravalli County Subdivision Regulations to allow for the project to have five phases filed over a maximum period of ten years, instead of a maximum of two phases over a period of four years as allowed in the Subdivision Regulations.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. If One Horse Estates was submitted as five individual subdivisions over a period of ten years, the cumulative impacts of the entire project on public health, safety and general welfare, and adjoining land owners would be difficult to assess. With the proposed phasing plan, impacts to the public from the entire project can be properly assessed and mitigated. To make it easier to envision infrastructure improvements over ten years, staff has reformatted the conditions to be for each phase.
2. Section 76-3-610 MCA allows for preliminary plat approval periods that are longer than the standard one to three years, if they are subject to a written agreement between the governing body and the subdivider. Subsection 2 also notes the governing body may not impose additional conditions after preliminary plat approval if final plat approval is obtained within the original or extended approval period. The applicant has submitted a phasing plan and to mitigate impacts on public health and safety, any changes to the phasing plan shall be approved by the Board of County Commissioners prior to final plat approval of each phase. (Condition 1)
3. Regardless of whether the proposal comes through with an extended phasing plan or if the subdivision was split into multiple subdivisions that are reviewed and approved over the same period of time, DEQ and the County Environmental Health Department will review final plans prior to issuing a Certificate of Approval for each phase and will ensure the most current standards are applied.
4. All internal subdivision roads will be constructed to meet both AASHTO and Ravalli County standards for new road construction.
5. To ensure adequate infrastructure is in place and to protect public health and safety, the following conditions shall be imposed: phases shall be filed such that there are easements for necessary infrastructure in place, all necessary infrastructure for a phase shall be completed prior to filing the phase even if it is not scheduled to be finished until a future phase, and temporary road turnarounds shall be installed as necessary for each phase. (Condition 2)

Conclusions of Law:

1. Impacts to public health, safety and general welfare and adjoining properties can be better assessed for a planned subdivision in phases than for multiple individual subdivisions.
2. With the mitigating conditions of approval, impacts of granting the variance on public health, safety and general welfare and on adjoining property owners have been addressed.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Findings of Fact

There are other large properties in the Bitterroot Valley that could support a similar type and scale of development for which a long term phasing plan might be requested.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

Physical conditions of the property do not affect the phasing of the development.

Conclusion of Law:

This criterion does not apply.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The application states the property is not zoned and an approval of the variance will not vary from the growth policy.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

Countywide Goal 4: Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.

Countywide Policy 4.1: Encourage development that will minimize or avoid additional costs to existing taxpayers.

Countywide Policy 4.2: Consider cumulative impacts of development.

- The applicant has requested a variance from the phasing limitations in the Subdivision Regulations. Although it is difficult to determine whether all impacts of the subdivision on the primary review criteria will have been mitigated ten years into the future, reviewing the overall development plan for a long term phased subdivision allows the County to consider the cumulative impacts of development as compared to limiting review to a series of smaller subdivisions that would have to be reviewed individually. Mitigating conditions will protect the public and future land owners from taking on the costs of this development.

Conclusions of Law:

1. Provisions in the zoning district standards do not apply.
2. With the mitigating conditions, provisions in the Growth Policy appear to support granting the variance request.

E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

1. Mitigating conditions will prevent impacts of granting the variance on public costs. (Conditions 1 and 2)
2. By reviewing the entire project in phases instead of five individual subdivisions, potential costs to the public are easier to evaluate.

Conclusion of Law:

With the recommended conditions, impacts of granting the variance on public costs have been addressed.

VARIANCE REQUEST#2

The applicant has requested a variance from Section 5-8-1 (f) of the Ravalli County Subdivision Regulations to allow the developer to pipe a natural drainage, rather than maintain the drainage in its natural state.

Compliance with Review Criteria

A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.

Findings of Fact:

1. From the USGS Topographic Map, 2004 Aerial Photographs, and a site visit, there appears to be a natural drainage that enters the subject property from the west and traverses through Lots 14 and 15 and along the northern boundary lines of Lots 24, 25, and the park.
2. In a letter dated September 20, 2006, the applicant stated that the "natural drainage" has been altered and used as an irrigation ditch for roughly 57 years. The letter also states that 99% of the water that flows through the ditch is generated through irrigation.
3. The portion of the natural drainage traversing the property currently functions as a ditch. In a letter dated September 29, 2006 (Exhibit A-5), the Bitterroot Conservation Supervisor states that he considers the drainage feature a ditch. The applicant has water rights associated with another property downstream of the proposed subdivision. In order to maintain the ditch, the applicant is proposing to pipe the ditch the length of the subject property.
4. There is wetland vegetation associated with the natural drainage and the ditch. It is not known if the wetlands are jurisdictional under the Clean Water Act.
5. In an email dated October 26, 2006 (Exhibit A-6), Allan Steinle of the USACE stated that there appears to be potential jurisdictional waters located on the subject property. The email noted that the USACE would recommend that the developer hire a consultant to delineate any potential wetlands associated with the subject property.

Conclusion of Law:

Based on comments received from the USACE, the granting of the variance could be injurious to other adjoining property owners.

B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.

Finding of Fact:

There are other properties in the Bitterroot Valley that have what are considered to be natural drainages traversing them that may function as irrigation ditches.

Conclusion of Law:

The conditions upon which the variance is proposed are not unique to the property.

C. Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).

Finding of Fact:

There are no physical conditions preventing the applicant from designing a subdivision to maintain the natural drainage.

Conclusion of Law:

Physical conditions do not prevent the applicant from meeting this section.

D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.

Findings of Fact:

1. The application states the property is not zoned and an approval of the variance will not vary from the growth policy.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

Countywide Goal 1B: Promote Private open land, ranch land, and recognition of agriculture and forestry as valued land resources.

Countywide Policy 1.7: Encourage protection and improvement of existing agricultural water supplies.

- The water that flows through the natural drainage is used on property to the east of U.S. Highway 93. Piping the ditch will ensure that uncontaminated irrigation water makes it through the development before it is used for irrigation purposes.

Countywide Goal 2: Protect Water Quality and Supply.

Countywide Policy 2.1: Encourage the collection and provision of information about the status of groundwater and surface water quality and supply.

Countywide Policy 2.2: Develop and adopt incentives to encourage the protection and enhancement of water quality and supply.

Countywide Policy 2.3: Encourage the protection of water quantity and quality, including the mitigation of adverse cumulative impacts.

Countywide Policy 2.4: Encourage the continued operation of irrigation districts and systems important to agriculture and other forms of groundwater recharge.

- Wetlands are valuable for water quality. It is not clear if the wetlands associated with the ditch in the natural drainage are jurisdictional under the Clean Water Act or not.

Conclusions of Law:

1. Provisions in the zoning district standards do not apply.
2. Provisions in the Growth Policy related to agricultural water facilities appear to support granting the variance request.
3. Provisions in the Growth Policy related to water quality do not appear to support the variance request.

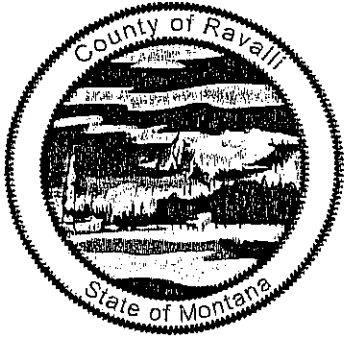
E. The variance will not cause a substantial increase in public costs.

Findings of Fact:

There are no known increased public costs associated with altering a natural drainage way.

Conclusion of Law:

Granting this variance will not substantially increase public costs.



ROAD AND BRIDGE DEPARTMENT

244 FAIRGROUNDS ROAD

HAMILTON, MONTANA 59840


TELE: 406.363.2733 · FAX: 406.363.6701

RECEIVED

OCT 04 2006

10-06-10-1581
Ravalli County Planning

EXHIBIT A-1

DATE 04 OCTOBER 2006
TO RAVALLI COUNTY PLANNING DEPARTMENT
FROM DAVID H. OHNSTAD, COUNTY ROAD SUPERVISOR 
SUBJECT ONE HORSE ESTATES PRELIMINARY DESIGN REVIEW

Attached please find analysis and comment from the Ravalli County consulting engineers relative to the preliminary design submittal for the proposed One Horse Estates subdivision. The Road & Bridge Department will approve this preliminary design, with the understanding and expectation that those issues identified in the consulting engineer's memorandum of 29 September 2006 will be addressed appropriately and completely through the final design process. **The project owner shall demonstrate that stormwater will be effectively managed and will conform to the DEQ stormwater management regulations.**

The attention of the Planning Department is directed to Item #4 under "storm drainage" and the attached copy of electronic communication of 07 September.

Attached also is copy of e-mail communication of 14 August 2006.

Question at times arises as to the time required to process these reviews. Should improved cooperation of those submitting proposals at some time be realized, the review and processing of those proposals would be expedited accordingly.

DATE: September 29, 2006

TO: David Ohnstad, Ravalli County Road & Bridge Department

CC: Ron Uemura, PE, RAM Engineering

FROM: Jeremy W. Keene, P.E.

RE: One Horse Estates Subdivision Preliminary Review Completion

On behalf of the Ravalli County Road and Bridge Department (RCRBD), we have completed our preliminary review of the above referenced project. Adequate road, grading, and drainage information has been submitted for the project, based on the following understanding of our previous preliminary review comments.

Roadways

1-3. A request for approach permits will be made to MDT upon approval of the subdivision by the BOCC.

Storm Drainage

2 and 5. Additional overflow culverts will be added at the following locations, per drawings received from Applebury Survey 9/29/06:

- Crossing Horseback Trail between Lot 8 and 20
- Crossing Buckaroo Blvd between Lot 68 and 64
- Crossing Buckaroo Blvd between Lot 66 and 63

4. Site visit confirmed that the drainage way is fed by irrigation water, however the USGS quad map shows the drainage as an intermittent stream. Ravalli County will make a determination on whether this falls under the definition of a "natural drainage". If it is determined to be a natural drainage, a variance application will be considered.

If the RCRBD is in concurrence with our review, please forward this letter to the Planning Office to be included with the full subdivision application.

A Preliminary Comment Memorandum was sent to the design engineer in accordance with Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. We are now sending this letter to your office in accordance with Step 7 of the RCRBD's Schedule of Activities to complete our preliminary review of the project.

We have included a copy of the following with this letter:

- 1) Preliminary comment memorandum from WGM Group, dated July 18, 2006
- 2) Preliminary comment response memorandum from RAM Engineering, dated July 31, 2006
- 3) Preliminary comment response memorandum from RAM Engineering, dated August 15, 2006
- 4) WGM Group comment memorandum based on design engineer response, dated September 11, 2006
- 5) RAM Engineering response to 2nd WGM Group memorandum, dated September 20, 2006
- 6) Two memorandums from Applebury Survey, both incorrectly dated March 30, 2006

This review is based on the 2004 version of the AASHTO Geometric Design of Highways and Streets, the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400), and the Ravalli County Subdivision Regulations.

Review of the plans and reports are limited to general conformance with the Ravalli County Subdivision Regulations in place at the time the subdivision application was submitted. This is not a complete or comprehensive review of the design assumptions or conclusions of the design professional who submitted the plans and reports. A final set of construction plans will need to be submitted by the developer for review by the RCRBD prior to beginning construction.

Thank you for the opportunity to work with the Ravalli County Road Department. If you have any questions, please contact our office.



3021 Palmer • PO Box 16027 • Missoula, MT 59808-6027

ENGINEERING
SURVEYING
PLANNING

Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: July 18, 2006

TO: Ron Uemura, PE, RAM Engineering

CC: David Ohnstad, Ravalli County Road & Bridge Department

FROM: Jeremy W. Keene, P.E.

RE: *Revised* - One Horse Estates Subdivision Preliminary Review Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has revised our original review of the preliminary grading and drainage plans and reports submitted by your office. Please disregard the preliminary review comments sent to your office on July 5, 2006. This revised memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Based on our review, we have the following comments.

Roadways

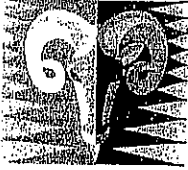
1. Two access points are proposed on Hwy 93 and one on Beck Lane. Please provide copies of the approach permit for each access. We are deferring any comments related to Hwy 93 access to the MDT.
2. The intersection of Buckaroo/Beck Lane is shown at a 45 degree angle and approximately 100 feet from Hwy 93. AASHTO recommends right angles wherever practical, and not less than 60 degrees (p. 388), and a 150-foot minimum separation (p.727).
3. No information was provided for Beck Lane. Is this a county road?
4. Names shown on Road Design Schedules do not match plans. Saddle Lane is not shown on the plans.
5. It appears that 52 lots contribute traffic to Horseback Trail (lower section) for an ADT of 416. Stopping sight distance and vertical curvature should be designed according to p. 381 of the AASHTO Green Book for the 25 mph design speed.
6. List K-values for Crest and Sag vertical curves on the schedules.

7. Intersection sight triangles should be according to p. 661 and 664 for stop controlled intersections. (p. 46 of the Low Volume Guidelines is for uncontrolled intersections).
8. Typical section shows 2:1 side slopes. Ravalli County Subdivision Regulations require a 4:1 side slope for a distance of 6' beyond the shoulder.
9. Cul-de-sac corner radii dimensions should be shown on the plans.
10. Signing plans are required for final plan review. "No Parking" signs should be provided where appropriate.

Storm Drainage

1. Ravalli County Subdivision Regulations require analysis of the 10-year/1-hour storm and the 100-year/1-hour storm. It appears that a 2-year storm event was used to calculate the peak flows within the subdivision. No calculations for the 100-year storm event were provided.
2. Drywells are proposed to capture runoff in the roadside swales. No calculations for infiltration or sizing were provided. Calculations should demonstrate that the drywells will capture the 10-year peak flow without overtopping the roadway, or that adequate overflow swales and culverts are provided. Calculations should also demonstrate that the 100-year peak flow will not inundate any home site or drain field, per DEQ-8, Chapter 3.
3. The plans should show or indicate that no wells or drain fields will be located within 200 feet of a drywell, per DEQ-8, Chapter 1.
4. Analysis of the 10-year and 100-year storm was provided for off-site flows; however, the size of the proposed culvert was not indicated. We also question converting a natural drainage way to a culvert over a distance of 950 feet. Ravalli County Subdivision Regulations state that natural drainage ways shall be preserved except for necessary crossings.
5. It appears that additional culverts are needed to convey overflow from the drywells to existing drainages. Please address.
6. Where does overflow from the drywell between lots 1 and 48 go?

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



RAM Engineering

Site Planning - Civil Engineering Design
Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238
Fax (406) 363-1880
Email: ramengineer@hotmail.com

Memo

PAID
1344.10
Jensen

To: David Ohnstad, RCR&B
From: Ron Uemura, PE
CC: Karen Hughes, Dick Martin, Applebury Survey
Date: July 31, 2006
Re: One Horse Estates Subdivision - Preliminary Review Comments

received
8-31-06

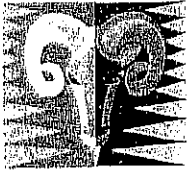
This response is in order of the revised review comments dated July 18, 2006 by WGM Group, Inc.:

Roadways

1. The paved access points were provided by MDT as part of the Highway 93 widening project. See attached documents.
2. The alignment of the approach to Beck Lane/Hwy 93 was also as provided by MDT.
3. Beck Lane is a private road.
4. We apologize for this error as there was a last minute change in the proposed road names per comments from the Planning Department. ✓
We include the revised sheets with this submittal.
5. While there may be 52 lots fronting off Horseback Trail near Hwy 93, we feel that some of the traffic will tend to go south on Buckaroo Boulevard instead. Besides vehicles going southbound, the Horseback Trail intersection would probably experience a longer wait time for vehicles traveling northbound and the drivers would opt to take Beck Lane to go northbound also. ✓

App. Permit
required for
change of
use.

We assigned about 2/3 of the drivers, or 35 of the 52 lots would take Horseback Trail while 33 would elect to take Buckaroo Boulevard. We



RAM Engineering

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Feasibility Studies - Project Management
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Ph. (406) 360-4238
Fax (406) 363-1880
Email: ramengineer@hotmail.com

Memo

To: David Ohnstad, RCR&B
From: Ron Uemura, PE *RU*
Date: August 15, 2006
Re: One Horse Estates Subdivision - Preliminary Review Comments

This response is in order of the Storm Drainage comments dated July 18, 2006 by WGM Group, Inc:

1. Attached is a revised Drainage Report showing the calculations for the 10-year frequency stormwater runoff within the subdivision and the 100-year frequency stormwater runoff from outside the subdivision flowing through the subdivision in accordance with the requirements of DEQ 8 (1.1.2.C & D). *Note that the requirement in the Subdivision Regulations [3-2-16(b)] for mitigating a 100-yr frequency does not address under what condition - this is a mistake that was pointed out earlier to the Planning staff but not changed.* ✓
2. See the Drainage Report for calculations of the drywell grate capacity.
3. The proposed well locations are shown on the revised drawings.
4. See the drainage report for the anticipated 100-year runoff and culvert sizing. See 1.1.2.B for an explanation to leave the ditch "as is" within Lots 14 & 15 and for regrading the area & installing a culvert along the rear of Lots 24, 25 and 69-73.
5. While the drywells are already oversized to capture the 10-year runoff, we are providing overflow swales to the nearest existing drainages as a safety precaution. We do not feel that a culvert is necessary. Although not a requirement, we are doing this a sound engineering practice.
6. There is an existing drainage way along Beck Lane.

*will drywells
infiltrate is
silly - send suit?*

ASS 7-2-2006



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ENGINEERING
SURVEYING
PLANNING

Phone: (406)728-4611
Fax: (406)728-2476
www.wgmgroup.com

DATE: September 11, 2006
TO: Ron Uemura, PE, RAM Engineering
CC: David Ohnstad, Ravalli County Road & Bridge Department
FROM: Jeremy W. Keene, P.E.
RE: One Horse Estates Response to Design Engineer Comments

On behalf of the Ravalli County Road and Bridge Department (RCRBD), our office has reviewed your response to our initial preliminary review comments for the above-referenced subdivision. This review memorandum is part of Step 6 on the RCRBD's "Schedule of Activities – Processing & Coordination of Subdivision Projects" form. This review is based upon the Ravalli County subdivision regulations, the 2004 version of the AASHTO Geometric Design of Highways and Streets and the 2001 version of the AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400).

Preliminary review comments have been addressed with the following exceptions. (Numbers used below reference comments from the initial preliminary comment memorandum.)

Roadways

- 1-3. MDT requires a new approach permit when there is a change of use. This would also apply to Beck Lane because it is a private road. Please provide copies of the approach permit for each access.

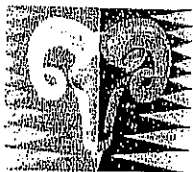
Storm Drainage

2. No calculations for infiltration or sizing of the drywells were not provided (see DEQ-8, Chapter 5). The 100-year event was not addressed, per DEQ-8, Chapter 3.
4. The proposal calls for converting what appears to be a natural drainage way to a culvert over a distance of roughly 600 feet to create better building sites. Section 5-8-1(f) of the Subdivision Regulations states: "Natural drainage ways shall be preserved except for necessary crossings in which the capacity of existing drainage ways shall be preserved."

Drainage ways shall remain clear and open and shall not be obstructed with fences, structures, etc. Lots shall be arranged to preserve and maintain these drainage channels. Crossings shall be designed to preserve or enhance the capacity of the drainage while concurrently preserving native vegetation." The proposed culvert does not appear to meet this regulation. See attached email from Renee Van Hoven for further explanation.

5. There are a number of drywell locations where an overflow channel is not provided as stated in the drainage report without a culvert under the road.

Please respond to these comments as outlined in Step 6 of the "Schedule of Activities – Processing & Coordination of Subdivision Projects" from the RCRBD. Thank you.



RAM Engineering

Site Planning - Civil Engineering Design
Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: ramengineer@hotmail.com

Memo

To: Jeremy W. Keene, PE, WGM Group, Inc.
From: Ron Uemura, PE
Date: September 20, 2006
Re: One Horse Estates Subdivision

This response is in order of your memo dated September 11, 2006:

Roadways

- 1-3. Attached is an agreement between Mr. Martin and the State Department of Transportation (MDOT) regarding the purchase of rights-of-way and providing 3 road approach permits for the subject project "when requested by the owner". We will make this request upon approval of the subdivision by the Board of Commissioners. *OK*

Storm Drainage

2. Calculations were provided in the revised Engineering Report submitted on August 15, 2006 to David Ohnstad. A copy of the pertinent page is attached for your convenience. Also attached are the 100-year frequency storm runoff calculations.
4. Water in the drainage way occurs only when the irrigation ditch is flowing from the westerly property. There is a large drainage basin of about 250 acres to the west of the project site, however, the 100-year peak discharge was calculated to be only about 10.4 cfs. A site visit confirms that there is no evidence of any waterway or erosion due to concentrated stormwater runoff.

*Infiltration rate/
Capacity not
addressed.*

*Confirmed in field
but may still
be Natural
Drainage*

Due to the delay in having you to verify our conclusions, we decided to file a variance application with the Planning Department for our proposed grading and drainage improvements. This will be withdrawn if you concur with our conclusions.

5. The inclusion of overflow swales is not a requirement but something we are adding where feasible. As stated in the Engineering Report, the roadside swales and grated inlets are sized more than adequate to handle the projected 100-yr runoff.

See #2

Agreement in conjunction with right of way Agreement between Montana Department of Transportation (MDOT) and Richard S. Martin (Representing Marne and Melame Martin and Mary Burns) regarding purchase of Right of Way regarding parcels 2-40, 2-42 and 2-45..

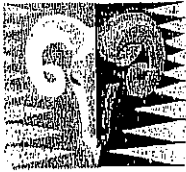
- 1.) MDOT agrees to provide 3 commercial residential accesses to this property west of Hwy 93 (just south of Florence) at stations 243+88, 246+28, and 249+62 with safe accesses for north and south bound traffic including 5 lane (i.e. turning lane) at station 243+88 and 249+62. And MDOT will provide three road approach permits for these stations when requested by owners of this property.
- 2.) MDOT agrees to provide adequate drainage and ditch accesses to new barrow pit ditch at approximately stations 243+88 246+28 and 249+62 so as not to adversely impact the 4 septic system sites at monitoring pipes # 16, 17, 274, and #102 (White Barn) as mentioned in 02-04-2003 letter from Daniel Hooten (Sanitarian) and on sight review.
- 3.) MDOT has assured Richard S. Martin that the sale of this Right of Way and Easement under Exemption 76-3-201 Subsection (1)(a) will not affect 20 - acre subdivision exemption.

Richard S. Martin, _____

Date 12/2/2003

MDOT by: _____

Date 12/2/2003



RAM Engineering

Site Planning - Civil Engineering Design
Feasibility Studies - Project Management
PO Box 2130, Hamilton, MT 59840

Ph. (406) 360-4238

Fax (406) 363-1880

Email: RAMEngineer@hotmail.com

Engineering Report

To: Department of Environmental Quality
From: Ron Uemura, PE
Date: July 30, 2006
Re: Drainage Report for One Horse Estates Subdivision

This report is prepared in accordance with the format required in Circular DEQ 8.

1.1 ENGINEERING REPORT

1.1.1 General Information

- A. The One Horse Estates is a proposed residential subdivision consisting of about 78 lots ranging in size from about ½ to 1 acre. The project is located on the southwest edge of the Town of Florence, MT.
- B. The owners of the property are Marne E. Martin, Melanie E. Martin, and Mary H. Burns, 330 Martin Lane, Florence, MT 59833.

1.1.2 Extent of the Storm Drainage

A. Drainage within the subdivision

The total amount of 10-year frequency stormwater runoff is calculated to be about 12 CFS, or a net of -1.72 CFS (13.67 CFS - 11.95 CFS), using the DEQ spreadsheet (copy attached) from the undeveloped to the developed conditions.

The drywell grate flow capacity may be calculated in accordance with the following formula:

$$Q = cA(2gh)^{1/2} \text{ *clogging factor}$$

where c = orifice coefficient 0.6 for opening w/ square edges

A = net grate opening in sq. ft.

g = 32.2

h = allowable head at inlet in feet (use 0.5)

clogging factor = use 2/3

therefore, $Q = 0.6 * (155/144) * (2 * 32.2 * 0.5)^{1/2} * 2/3 = 2.4 \text{ cfs}$

Drywells will be placed at strategic locations to prevent the buildup of runoff in the roadside swales. Although the runoff to each drywell is less than 1 cfs, overflow swales will be constructed at the sump conditions (cul-de-sacs) as a safety measure.

- B. Drainage outside the subdivision flowing through the subdivision
 There is a drainage basin of about 250 acres located near the NW corner of the project. While normally dry, a ditch transports occasional snow melt and runoff to the highway and eventually to the One Horse Creek. It is proposed to leave this ditch "as is" within Lots 14 & 15 and install a culvert running along the rear of Lots 24 and 25 and Lots 69-73 to the new ditch constructed by the State along Highway 93. The filling and regrading of the ditch for the new culvert will provide buildable areas for these lots.

2.0. PEAK FLOW DETERMINATION

2.3 SCS Curve number method

In accordance with DEQ 8, provisions shall be made to pass the 100-yr flow originating from outside the subdivision without flooding home sites or drainfields and without overtopping roadways (at a recurrence interval of 10-yrs).

Parameters:

10-yr, 6-hr rainfall = 1.2 inches

10-yr, 24-hr rainfall = 1.8 inches

100-yr, 6-hr rainfall = 1.8 inches

100-yr, 24-hr rainfall = 2.8 inches

Soil type = Bass, HSG = B, Hydrologic condition = woods, fair

CN = 60

L = 11,000', Contour interval = 20', Area = 250 acres

Potential maximum retention $S = 1000/CN - 10 = 6.67$ inches

Direct runoff $Q_{10} = (P - 0.2S)^2 / (P + 0.8S) =$

$(1.8 - 0.2*6.67)^2 / (1.8 + 0.8*6.67) = 0.03$ inches

$Q_{100} = (2.8 - 0.2*6.67)^2 / (2.8 + 0.8*6.67) = 0.26$ inches

Average watershed slope $Y = 100*C*I/A$

$= 100*11,000*20/250*43,560 = 2.02$ %

Time of concentration $t_c = [1.49(S + 1)] / (1140*Y^{0.04})$

$= [1.49(6.67 + 1)] / (1140*2.02^{0.04}) = 1.70$ hours

Initial abstraction $I_a = 0.2*(1000/CN) - 10 = 0.2*6.67 = 1.33$ inch

The I_a/P for the 10-yr and 100-yr return periods are:

$$I_a/P = 1.33/1.8 = 0.74 \text{ (10-yr) and } 1.33/2.8 = 0.48 \text{ (100-yr)}$$

The P_6/P_{24} ratio for each return period is:
 $= 1.2/1.8 = 0.67$ and $1.8/2.8 = 0.64$

From Figure 7-10, $q_u = 0.14$ and 0.16

Therefore, the peak discharge can be calculated as $q_u = q_u * A * Q$

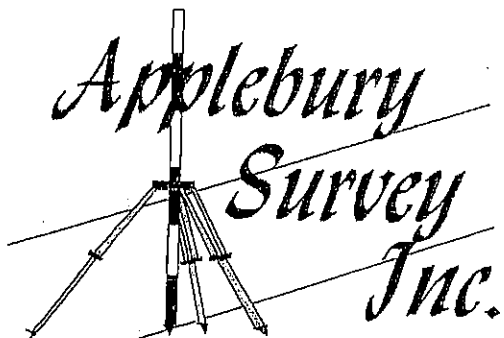
$$q_{10} = 0.14 * 250 * 0.03 = 1.05 \text{ cfs; } q_{100} = 0.16 * 250 * 0.26 = 10.4 \text{ cfs}$$

SUMMARY

The resultant small runoff confirms the land owner's knowledge of the ditch for the past several decades. However, for the design of the replacement pipe, we have elected to apply a safety factor of 2 and use a Design Q of 20 cfs. With this runoff, a 24" HDPE pipe is proposed. Also, as another safety precaution, the building pads for the homes along the drain pipe should be graded at least 12" higher and with the building floor another 12".

Attachments:

- DeLorme Topographic Map with the drainage area outside the subdivision shown
- Drainage & Grading Plan with the various runoff areas colored
- 10-year frequency Stormwater computations



Denis Applebury and Terry Nelson

Professional Land Surveyors

Land Use Planning & Design

914 U S Highway 93

Victor MT, 59875

Phone (406) 961-3267 Fax (406) 961-3567

E-mail applebury@wildblue.net

to: Jeremy Keene

fax #: 728-2476

from: Terry

date: March 30, 2006

subject: One Horse Estates

pages: 2

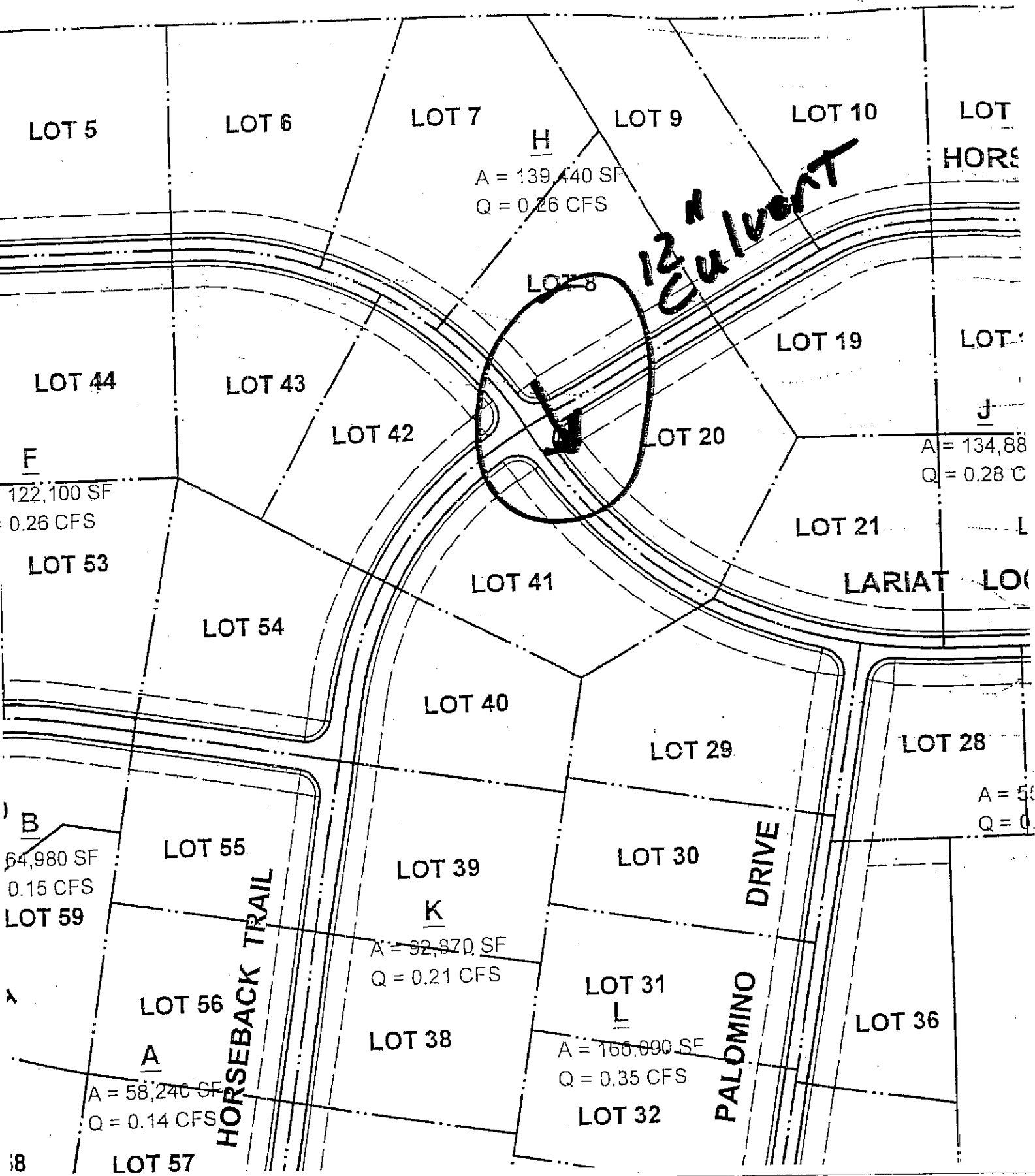
NOTES:

Jeremy,
Ron called and said he talked to you about culverting the
sumps. Attached are where I believe that needs to be done.
Please let me know if these need to change or if there are
any other areas you need. I will be gone tomorrow, but Chris
can help you with any changes if needed. Thank you for your
help in this matter. I will be very excited when this is
OK'd as I'm sure you will be.
If you have any questions or concerns, please feel free to
contact us at (406) 961-3267.

6/29/2006

6/29/2006

SE
AN
EL



LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LARIAT LOOP SOUTH

LOT 48

LOT 47

LOT 46

LOT 45

LOT 44

LOT 49

LOT 50

LOT 51

LOT 52

LOT 53

LOT 67

LOT 66

LOT 65

LOT 60

LOT 59

LOT 68

LOT 61

LOT 63

LOT 64

LOT 62

LOT 58

LOT 57

G

A = 150,040 SF

Q = 0.30 CFS

E

A = 191,620 SF

Q = 0.38 CFS

F

A = 122,100 SF

Q = 0.26 CFS

D

A = 88,140 SF

Q = 0.18 CFS

B

A = 64,980 SF

Q = 0.15 CFS

A

A = 58,240 SF

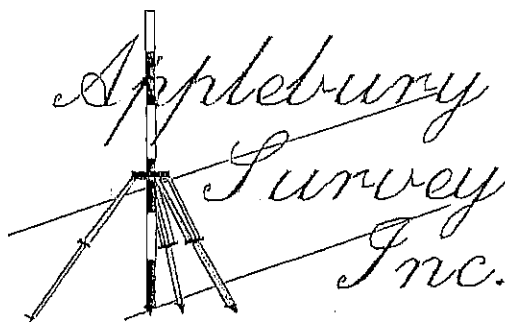
Q = 0.14 CFS

HORSESHOE RD

BUCKAROO BOULEVARD

BRONCO COURT

12 COLVERTS



Denis Applebury and Terry Nelson

Professional Land Surveyors

Land Use Planning & Design

914 U S Highway 93

Victor MT, 59875

Phone (406) 961-3267 Fax (406) 961-3567

E-mail applebury@cybernet1.com

to: Jeremy Keene

fax #: 1-406-728-2476

from: Terry

date: March 30, 2006

subject: One Horse Estates

pages: 1 thru 5

NOTES:

Jeremy,
Thank you for meeting with us this afternoon. Attached you will find the right-of-way agreements which includes the shared access for Beck Lane. I will also let you know when I find out from Ron what his explanation is on the grate infiltration info.

If you have any questions or concerns, please feel free to contact us at (406) 961-3267.

SEP 27 2006

Montana Department of Transportation
Right-of-Way Bureau
PO Box 201001
Helena, MT 59620-1001

STATE OF MONTANA RAVALLI COUNTY
RECORDED: 05/12/2003 2:26 B & S DEED

515301

Page 1 of 4

CLERK AND RECORDER BY: Deborah Taylor FEE: \$24.00

Q:RW-STD:RWD:Form40-b1e1

Revised 12/15/2001

State of Montana
Department of Transportation

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Project ID: NH 7-1(83)59 F
Designation: Victor - Florence

Parcel No.: 2-40

County: Ravalli

N of Stevensville Wye - Florence

Project No.: 2016-083

Bargain and Sale Deed With Easement

This Deed, made this 6 day of May, 2003, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, witnesses that, Mary Hyatt Burns, Formerly Known as Mary Hyatt Martin, Trustee for Marne Elizabeth Martin, 1216 E. Forest Drive, Riverton, WY 82501

does hereby grant, bargain, sell and convey to the Montana Department of Transportation the following-described real property:

Parcel No. 2-40 on Montana Department of Transportation Project NH 7-1(83)59 F, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Ravalli County, Montana. Said parcel is also described as a tract of land within Tract 1 of Certificate of Survey No. 2441 situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 10 North, Range 20 West, P.M., M. Ravalli County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 0.309 ha (0.76 acre), more or less.

ALSO, the Grantor hereby conveys to the STATE OF MONTANA all rights of ingress and egress over and across the access control lines shown on said attached plat.

Provided, however, that there is reserved for the use of the Grantor, her heirs, successors or assigns, private road approaches as described below for ingress and egress to, from and between State of Montana Department of Transportation Project NH 7-1(83)59 F and the adjacent property of the Grantor:

1. One private road approach on the westerly side of said highway project at highway survey station 243+88 to provide access jointly to the Grantor's property and to the adjacent property shown as Parcel 2-38 on the plans for said project.
2. One private road approach on the westerly side of said highway project at highway survey station 246+28 to provide access jointly to the Grantor's property and to the adjacent property shown as Parcel 2-45 on the plans for said project.

Provided further that the joint use road approaches in Items 1 and 2 may not be relocated after initial construction unless the owners of all properties serviced by the joint use approach at the time of the proposed change agree, in writing, to its relocation.

Before reconstruction or relocation of any private road approach, the Grantor shall obtain a road approach permit from the Missoula district office of the Department of Transportation. Information concerning the exact location of private approaches constructed to provide access to said adjacent property of the Grantor will be on file in the district office of the Montana Department of Transportation at Missoula, Montana.

LWO:Q:RW:2016:P-40.rle.doc.

| | | | |
|------------------|---------------|------------|----|
| Date | 9-22-03 | # of pages | 10 |
| From | DALE | | |
| Co. | MT | | |
| Phone # | | | |
| Fax # | | | |
| Post-it Fax Note | 7871 | | |
| To | TERESA NELSON | | |
| Co/Dept. | APPLE BUTTE | | |
| Phone # | | | |
| Fax # | 406-961-3567 | | |

STATE OF MONTANA HAVALLI COUNTY
RECORDED: 05/12/2003 2:26 B & S DEED

515301

Page 2 of 4

Bargain and Sale Deed With Easement
Project ID: NH 7-1(03)59 F
Designation: Victor - Florence
N of Stevensville Wye - Florence

Parcel No.: 2-40

It is expressly intended and agreed that these covenants, burdens, and restrictions shall run with the land and shall forever bind the Grantor, her heirs, successors and assigns.

ALSO, the Grantor hereby conveys unto the STATE OF MONTANA an easement for drainage purposes within said Tract 1 of Certificate of Survey No. 2441 situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, as shown by the hatched area on said plat, containing an area of 0.287 ha (0.71 acre), more or less.

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), her successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

The Grantor(s) further expressly waives and relinquishes all rights, as owner or successor in interest provided under law, for any preference to repurchase all or a portion of this property should it be determined no longer to be necessary for highway purposes.

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the Montana Department of Transportation and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgement.

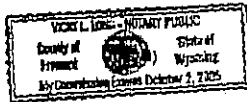
Mary Hyatt Burns

Mary Hyatt Burns, Formerly Known As Mary Hyatt Martin, Trustee for Marie Elizabeth Martin

State of Wyoming)
County of Stearns)

This instrument was acknowledged before me on May 6, 2003 (date)

by Mary Hyatt Burns, Formerly Known As Mary Hyatt Martin, Trustee for Marie Elizabeth Martin (names)



Vicki L. Long
Notary Signature Line
Vicki L. Long
Notary Printed Name
Notary Public for State of Wyoming
Residing at: Redstone
My Commission Expires: Oct 2, 2003

State of _____)
County of _____)

This instrument was acknowledged before me on _____ (date)

by _____ (names)

(Seal)

Notary Signature Line

Notary Printed Name
Notary Public for State of _____
Residing at: _____
My Commission Expires: _____

Recording Information

15 MAR 2012
 12:05:21

RDROW

 MONTANA
 CAD6

STATE OF MONTANA RAVALLI COUNTY
RECORDED: 05/12/2003 2:26 P M S DEED

515301

Page 3 of 4

STATE OF MONTANA, RAVALLI COUNTY
RECORDED: 05/12/2003 2:26 P & S DEED

515301

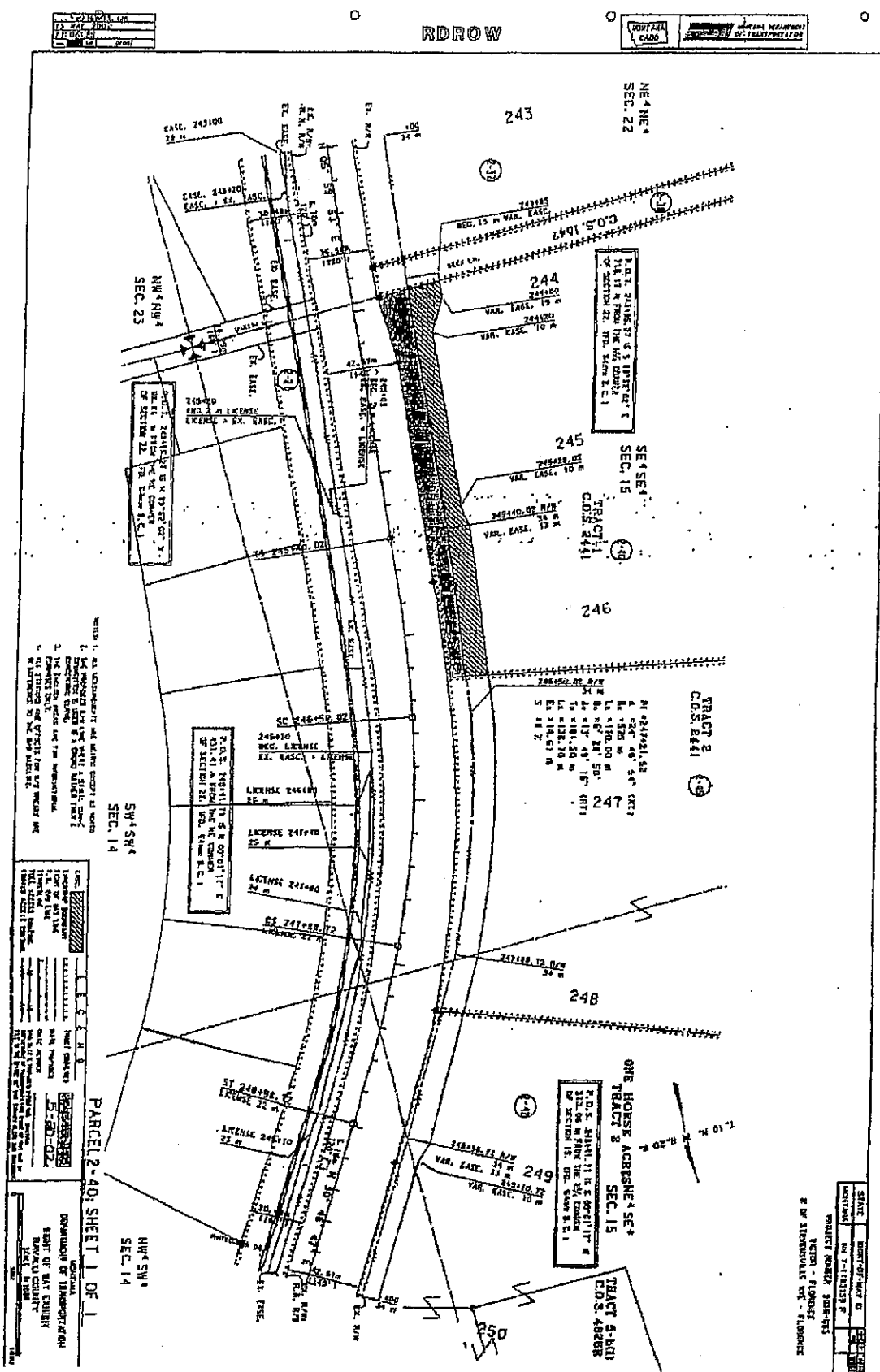
Page 4 of 4

| | | | |
|----------|------------------|----------|----------------|
| STATE | North-Carolina | FILE NO. | 100-1000000000 |
| LOCATION | Box 1-1000000000 | DATE | 10-10-10 |

ACTON - FLORENCE
R DE STEPHENS RD - FLORENCE

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO PRESS



STATE OF MONTANA DEPARTMENT OF TRANSPORTATION
RIGHT-OF-WAY AGREEMENT

MASTER FILE
COPY

D.IRW-S (D:RWN) 28 (Rev. 12/03/2001)

PE PROJECT ID

Victor-Florence N of Stevensville Wye-Florence
Designation

RAW PROJECT ID NH 7-1(83)59F

Ravalli
County

UNIFORM
PROJECT 2016-083

| Parcel | From Station | To Station | Subdivision | Section | Township | Range |
|--------|--------------|------------|---------------------------------|---------|----------|-------|
| 2-40 | 243+72 LT | 246+26 LT | Tract 1 COS 2441 in SE1/4SE4 | 15 | 10N | 20W |

List Names & Addresses of the Grantor, Contract Purchaser & Lessee

Mary Hyatt Martin, Trustee for Marne Elizabeth Martin
1216 E. Forest Drive
Riverton, WY 82501

(NOTICE: MARY HYATT MARTIN)

- In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. Grantor certifies that any encumbrances on the property are shown on this agreement. This agreement is effective upon execution by the Supervisor, Negotiation Section or a designated representative, and possession of the property is granted to the Department when it sends the payment(s) agreed to below. Grantors contract that they will, on Department's request, execute a deed required by Department for all real property agreed to be conveyed by this agreement.

- COMPENSATION FOR LAND AND IMPROVEMENTS (List acres and improvements in the acquired area.)

| | | |
|----------------------|--------------|------------|
| 0.76 acre rural land | By Deed | \$6,308.00 |
| 0.71 acre rural land | By Easements | \$5,586.35 |

3. OTHER COMPENSATION:

Limited Access Control
survey cost to re-establish 60' easement on property this parcel

- TOTAL COMPENSATION (includes all damages to the remainder): \$13,450.00

- IT IS UNDERSTOOD AND AGREED THE STATE SHALL MAKE PAYMENT AS FOLLOWS:

A warrant in the amount of \$13,450 to be made payable to Mary Hyatt Martin, Trustee for Marne Elizabeth Martin, and mailed to 1216 E. Forest Drive, Riverton, WY 82501.

- For and in consideration of the compensation shown herein, the Grantors hereby grant, bargain, sell and convey all rights of ingress and egress, including all existing, future or potential easements of access, light, view and air except as may be stated on the Bargain and Sale Deed.
- It is understood and agreed by and between the parties hereto that included in the amount payable under "Other Compensation" herein is payment in full to compensate the Grantors for the expense of performing the following work and items: Listed in Number 3 (other compensation) above.
- Permission is hereby granted the State to enter upon the Grantor's land, where necessary and for the purpose described as follows:

- Station 243+88
- Station 246+28

Construct joint use ~~commercial~~ road approach
Construct joint use commercial road approach

LT 80P
LT 80P

Grantors agree to maintain, at their sole expense, all accesses identified in this agreement. Accesses must be maintained in a condition that is satisfactory to MDT. Grantors further agree to conduct maintenance activities in a prudent manner providing for the safe and continued operation of thru traffic on the highway. Grantors further agree that changes in size, location or use of these accesses or the addition of new approaches cannot be made without first obtaining an approved approach permit from the Missoula District Office of the Department of Transportation. Removal and reconstruction of any access after initial construction shall be at the Grantor's sole cost.

ENTERED
RAW PROJECT/PARCE
FILING UNIT

Page 1 of 2

APPROVED AS TO ITEMS N.S.O.P.

TITLE

DATE

JHD 4-7-C3(4)

RAW Project ID: 2016-083

Parcel No.: 2-40

(Continued from Previous Page)

All drainage facilities within the existing right-of-way/easement associated with these accesses, i.e., approach culverts, drainage ditches, will be maintained by MDT at MDT's sole expense. MDT will not maintain any drainage facilities installed solely for the perpetuation of private irrigation waters.

9. It is understood and agreed at no expense to the Grantors, the State will construct the fencing (including gates) listed below. It is further understood and agreed that a closure will be maintained at all times during the construction of the fence and the Grantors grant permission to the State to enter upon their property where necessary for the purpose of constructing fence as follows:

A. Station 243+94 LT to 246+23

Build 5 strand barbed wire fence on wood post 16' OC

LT

Gates:

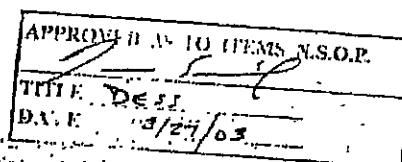
NSOP

B. Station 246+28

Install metal gates 2-16' swing in

LLNSOP

Said fence shall become the property of the Grantors and will be the Grantors' obligation thereafter to maintain and repair.



We understand that we are required by law to provide our correct taxpayer identification number(s) to the Montana Department of Transportation and that failing to comply may subject us to civil and criminal penalties. We certify that the number(s) below is/are our correct taxpayer identification number(s).

Signature: Mary Hyatt Martin, Trustee for Marie Elizabeth Martin (Date) 3/27/03 517-96-2443
Tax ID No.

Signature: MARY HYATT BURNS (Date) 3/27/03
Tax ID No.

Signature _____ (Date) _____ Tax ID No.

Signature _____ (Date) _____ Tax ID No.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates shown.

RECOMMENDED FOR APPROVAL:

Signature: Bruce Crawford (Date) 03/19/03
Right-of-Way Agent: Bruce Crawford

APPROVED FOR AND ON BEHALF OF THE MONTANA DEPARTMENT OF TRANSPORTATION:

Signature: M. P. (Date) 3-27-03
Supervisor - Field R/W Section
Signature: John A. [unclear] (Date) 4/1/03
Manager - Acquisition Section

:Q:RW:

STATE OF MONTANA, RAVALLI COUNTY

52813

Page 1 of 4

RECORDED: 12/11/2003 12: B & S DEED

CLERK AND RECORDER BY: Alma Corcoran FEE: \$24.00

Q:\RW-STD\RWD\Form40-bsef

Revised 12/5/2001

**State of Montana
Department of Transportation**

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

Project ID: NH 7-1(83)59 F
Designation: Victor - Florence

Parcel No.: 2-38

County: Ravalli

N of Stevensville Wye - Florence
Project No.: 2016-083

Bargain and Sale Deed With Easement

This Deed, made this 10th day of February, 2003, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, witnesses that,

Estate of James Lea Simpson
C/O Margaret L. Borg, Estate Representative
317 Woody St., Missoula, MT 59802

does hereby grant, bargain, sell and convey to the Montana Department of Transportation the following-described real property:

Parcel No. 2-38 on Montana Department of Transportation Project NH 7-1(83)59 F, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Ravalli County, Montana. Said parcel is also described as a tract of land within Certificate of Survey No. 1547 situated in the NE1/4 of Section 22, Township 10 North, Range 20 West, P.M., M. Ravalli County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 0.035 ha (0.09 acre), more or less.

ALSO, the Grantor hereby conveys to the STATE OF MONTANA all rights of ingress and egress over and across the access control lines shown on said attached plat.

Provided, however, that there is reserved for the use of the Grantor, his heirs, successors or assigns, a private road approach as described below for ingress and egress to, from and between State of Montana Department of Transportation Project NH 7-1(83)59 F and the adjacent property of the Grantor:

1. One private road approach on the westerly side of said highway project at highway survey station 243+88 to provide access jointly to the Grantor's property and to the adjacent property shown as Parcel 2-40 on the plans for said project.

Provided further that the joint use road approach in Item 1 may not be relocated after initial construction unless the owners of all properties serviced by the joint use approach at the time of the proposed change agree, in writing, to its relocation.

Before reconstruction or relocation of any private road approach, the Grantor shall obtain a road approach permit from the Missoula district office of the Department of Transportation. Information concerning the exact location of private approaches constructed to provide access to said adjacent property of the Grantor will be on file in the district office of the Montana Department of Transportation at Missoula, Montana.

It is expressly intended and agreed that these covenants, burdens, and restrictions shall run with the land and shall forever bind the Grantor, his heirs, successors and assigns.

LWO:Q:RW:2016:P2-38.ric.doc.

STATE OF MONTANA RAVALLI COUNTY
RECORDED: 12/11/2003 12: 8 & 5 DEED

52P-35

Page 2 of 4

Bargain and Sale Deed With Easement
Project ID: NH 7-1(83)59 F
Designation: Victor - Florence
N of Stevensville Wye - Florence

Parcel No.: 2-38

ALSO, the Grantor hereby conveys unto the STATE OF MONTANA an easement for drainage purposes in said Certificate of Survey No. 1547 situated in said NE1/4NE1/4 of Section 22, as shown by the hatched area on said plat, containing an area of 0.011 ha (0.03 acre), more or less.

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), his successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other kinds of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

The Grantor(s) further expressly waives and relinquishes all rights, as owner or successor in interest provided under law, for any preference to repurchase all or a portion of this property should it be determined no longer to be necessary for highway purposes.

To have and to hold the above-described and conveyed premises, with all the reversions, remainder, tenements, hereditaments and appurtenances thereto, unto the Montana Department of Transportation and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgement.

Richard F. Reilly
Richard F. Reilly
Richard F. Reilly

State of MontanaCounty of MissoulaThis instrument was acknowledged before me on February 10, 2003
(date)by Margaret L. Borg, Representative of the Estate of James Lea Simpson
(names)*Richard F. Reilly*
Notary Signature LineRichard F. Reilly
Notary Printed NameNotary Public for State of MontanaResiding at: Missoula, MTMy Commission Expires: 1-22-2006

State of _____

County of _____

This instrument was acknowledged before me on _____
(date)by _____
(names)_____
Notary Signature Line_____
Notary Printed Name

Notary Public for State of _____

Residing at: _____

My Commission Expires: _____

(Seal)

Recording Information

MONTANA
CAND

Page 4 of 4.

TRACT 5-B11
C.D.S. 46257

PARCEL 2-38. SHEET 1 OF 1

NY 5B
SEC. 14

1. At meetings the letter signed as mine
2. The publisher has been asked to print and
3. distribute a note of a kind which men a
4. certain fact.
5. The two letters are now being printed
6. separately but
7. all printed and offered for sale and
8. returned to the printer.

[illegible]

OFFICE
DEPARTMENT OF TRANSPORTATION
BUREAU OF AIR CARRIER
SAFETY
WASHINGTON, D. C.

STATE OF MONTANA DEPARTMENT OF TRANSPORTATION

RIGHT-OF-WAY AGREEMENT

PROJECT INFORMATION (Rev. 05/02/2001)

PE PROJECT ID

Victor - Florence (N of the Stevi Wye to Florence Section)
Designation

R/W PROJECT ID NH 7-1(83)59 F

Ravalli

UNIFORM PROJECT 2016-083

County

| Parcel | From Station | To Station | Subdivision | Section | Township | Range |
|--------|--------------|------------|-------------------------------|---------|----------|-------|
| 2-38 | 243+75 LT | 243+95 LT | COS 1647 In the NE 1/4 NE 1/4 | 22 | 10 N | 20 W |

List Names & Addresses of the Grantor, Contract Purchaser & Lessee

Estate of James Lea Simpson
C/O Margaret L. Borg, Estate Representative
317 Woody ST.
Missoula, MT 59802

- In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. Grantor certifies that any encumbrances on the property are shown on this agreement. This agreement is effective upon execution by the Manager, Acquisition Section or a designated representative, and possession of the property is granted to the Department when it sends the payment(s) agreed to below. Grantors contract that they will, on Department's request, execute a deed required by Department for all real property agreed to be conveyed by this agreement.
- COMPENSATION FOR LAND AND IMPROVEMENTS (List acres and improvements in the acquired area.)

| | | |
|---------------------------------|-------------|----------|
| .09 Acre Rural Residential Land | BY DEED | \$567.00 |
| .03 Acre Rural Residential Land | BY EASEMENT | \$183.00 |
- OTHER COMPENSATION:

| | | | |
|------------------------|---|--|----------|
| Limited Access Control | STATS. 11-25-03 AMOUNT \$1,250.00 EENP - 22 | CLAIM PREPARED BY [initials] DATE 11-24-03 CLAIM RELEASED BY [initials] DATE 11/25/03 | \$500.00 |
|------------------------|---|--|----------|
- TOTAL COMPENSATION (includes all damages to the remainder): **PAID** \$1,250.00
- IT IS UNDERSTOOD AND AGREED THE STATE SHALL MAKE PAYMENT AS FOLLOWS:
A warrant in the amount of \$1,250.00 to be made payable to Estate of James Lea Simpson, C/O Margaret L. Borg, Estate Representative, 317 Woody ST., Missoula, MT 59802.
- Except as stated below and on the Bargain and Sale Deed, Grantor conveys all rights of ingress and egress, including future or potential easements of access.

Grantor reserves the right to reasonable access from the above-mentioned project to the adjacent property of the Grantor as follows: Those accesses set forth in the right-of-way plans on file with the county clerk and recorder, or additional accesses allowed by the State of Montana Department of Transportation under policies current at the time Grantor, or his/her successors in interest, makes application for such additional access.

The amount being paid to the Grantor herein is not based upon the loss of any property right, but is a settlement for the imposition of access control.

- Permission is hereby granted the State to enter upon the Grantor's land, where necessary and for the purpose described as follows:

A. Station 243+85

Construct Joint - Use approach

LT SOP

Grantor shall maintain, at their sole expense, all private and farm field accesses identified in this agreement. Accesses will be maintained in a condition that is satisfactory to MDT. Grantor further agrees to conduct maintenance activities in a prudent manner providing for the safe and continued operation of thru traffic on the highway. Physical changes in size or location of these accesses cannot be made without first obtaining an approved approach permit from MDT.

All drainage facilities within the existing right-of-way/easement associated with these accesses, i.e., approach culverts, drainage ditches, will be maintained by MDT at MDT's sole expense. MDT will not maintain any drainage facilities installed solely for the perpetuation of private irrigation waters. Except in the easement area to MDT.

1099S

11-20-03

R/W Project ID: NH 7-1(93)59 F UPN . J16-083

Parcel No. 2-38

24 Feb 03

Spoke w/ Ms Borg re: the
tax ID # for her client, the
James Lea Simpson Estate.

She was rather "huffy" because
she viewed Dick's & my attempts
to get the SS# as "bugging" her
& that the State is in a hurry
for this but that it takes us
(MOT) months & months to get
the paper work through the house.
She said she "needed some
space" -

Sent
e-mail to
Dick on 2/21/03
Re: tax ID #
4 Nov 03

[Signature]

We understand that we are required by law to provide our correct taxpayer identification number(s) to the Montana Department of Transportation and that failing to comply may subject us to civil and criminal penalties. We certify that the number(s) below is/are our correct taxpayer identification number(s).

James Lea Simpson 2/10/03
of the Estate of James Lea Simpson (Date)

81-6088510
Tax ID No.

(Date)

Tax ID No.

(Date)

Tax ID No.

(Date)

Tax ID No.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates shown.

RECOMMENDED FOR APPROVAL:

Richard F. Reilly 2-10-03
Richard F. Reilly, Right-of-Way Agent (Date)

APPROVED FOR AND ON BEHALF OF THE MONTANA
DEPARTMENT OF TRANSPORTATION:

Maurice M. Walsh 2-20-03
Supervisor - Field R/W Section (Date)

Manager - Acquisition Section (Date)

Sent: Thursday, September 07, 2006 3:59 PM
To: Jeremy Keene; Renee Van Hoven
Cc: David Ohnstad; Jonathan Gass; Ryan Salisbury
Subject: RE: One Horse Subdivision

Follow up conversation with Renee Van Hoven:

Renee said this regulation would apply if it is a natural drainage, but not to an irrigation ditch. In the case of a natural drainage, the county would require a flood hazard determination and a no-build zone, if appropriate. She said they would like this to be part of our review of the storm drainage.

jwk

060515

From: Jeremy Keene
Sent: Thursday, September 07, 2006 10:16 AM
To: Renee Van Hoven (rvanhoven@ravallicounty.mt.gov)
Cc: 'David Ohnstad'; Jonathan Gass
Subject: One Horse Subdivision

Renee,

I am reviewing the One Horse Subdivision for the road dept. The proposal calls for converting what appears to be a natural drainage way to a culvert over a distance of roughly 600 feet to create better building sites. We commented in our preliminary review that this needed to be analyzed for the 10 and 100-year storm drainage, and that it does not appear to be consistent with the subdivision regs (5-8-1(f)), which state that natural drainage ways shall be preserved except for necessary crossings.

RAM Engineering provided analysis of the 10 and 100-year storms and sizing of the culvert. They also indicated that the building sites would be raised 12" as a safety measure. This addresses our comment from an engineering standpoint, but does not address the subdivision regulation to preserve natural drainage ways.

I am looking for guidance on how you would like us to respond to the applicant. Are you aware of this issue, and is there precedent for how this regulation is applied?

Thanks for your help,
Jeremy

Jeremy W. Keene, P.E.
WGM Group, Inc.
3021 Palmer, PO Box 16027
Missoula, Montana 59808-6027
Phone: (406)728-4611
Fax: (406) 728-2476

10/4/2006

David Ohnstad

From: David Ohnstad
Sent: Monday, August 14, 2006 9:11 AM
To: jgass@wgmgroup.com
Cc: Karen Hughes; 'Ronald M. Uemura'
Subject: one horse estates

Jon -

On August 03 I forwarded to you Preliminary Review Comments by RAM Engineering. Typically, these comments would have been provided directly to you. In this case, the projects owner's representative has taken issue with the review process as adopted by the county, specifically the review of the grading and drainage plans, stating that "We will withhold any response to these specific comments until this matter is cleared up". In my opinion, there is nothing to "clear up". Until the project owner's representative provides the information you have requested, please suspend any further review of this project.

Should you have any question, please contact me directly. Thank you.

David

DAVID H. OHNSTAD
COUNTY ROAD SUPERVISOR
RAVALLI COUNTY, MONTANA
(406) 3636 - 2733

David Ohnstad

From: Renee Van Hoven
Sent: Thursday, September 07, 2006 4:57 PM
To: Jeremy Keene
Cc: David Ohnstad; Jonathan Gass; Ryan Salisbury; Karen Hughes; Tristan Riddell; Matt S; Tom H
Subject: RE: One Horse Subdivision

Hi Jeremy,

I also thought I would summarize our phone conversation this afternoon (unfortunately it's wordier than your version!). The issue of how to review natural drainages in general and in regards to Section 5-8-1(f) has been brought up recently with other subdivisions. When a subdivision application is submitted that has a natural drainage on the property, we are specifically requesting that the Road Department/Consulting Engineer review the natural drainage against Article 8 of the Ravalli County Subdivision Regulations, which includes Section 5-8-1(f). This request will be included in the memo to the Road Department requesting the review of the road plans. David Ohnstad has given verbal approval of this approach. Section 5-8-1(f) states: "Natural drainage ways shall be preserved except for necessary crossings in which the capacity of existing drainage ways shall be preserved. Drainage ways shall remain clear and open and shall not be obstructed with fences, structures, etc. Lots shall be arranged to preserve and maintain these drainage channels. Crossings shall be designed to preserve or enhance the capacity of the drainage while concurrently preserving native vegetation." Any proposed crossings of natural drainages should be designed to meet this section. The Planning Department is relying on the Road Department/Consulting Engineer to review the developer's proposal against this section and make recommendations for any mitigation, if needed.

In the case of One Horse Estates, there is question as to whether there is a natural drainage or irrigation ditch traversing the property. If it's a natural drainage, Section 5-8-1(f) applies. In the case of Aspen Springs, DNRC recommended a restricted zone on the natural drainage based on a flood hazard determination, the Consulting Engineer concurred, and the developer met the recommendation. I'm not sure that a flood hazard determination will be necessary for every natural drainage feature. Section 5-8-1(f) restricts development in natural drainages, but it is not specific as to how the boundaries of restricted areas are to be defined or the type of development that should not be allowed (fences, buildings, utilities, trails, etc.). We're relying on the Road Department/Consulting Engineer for guidance on the boundaries of restricted areas and the types of development that should be restricted.

Please keep in mind the following three definitions from Chapter 2 of the Subdivision Regulations if you choose to use these zones in recommendations:

No Alteration Zone means an area in which the vegetation is retained in its natural condition. This does not include noxious weed control or existing legal farming activities.

No Build Zone means an area in which no building or structure may be constructed or otherwise placed.

No Build/Alteration Zone means an area in which no building or structure may be constructed or otherwise placed and the vegetation is retained in its natural condition.

Thanks,

Renee Van Hoven
 Ravalli County Planning Department
 215 S. 4th St., Suite F
 Hamilton, MT 59840
 (406)375-6530
rvanhoven@ravallicounty.mt.gov

From: Jeremy Keene [mailto:JKeene@wgmgroup.com]

10/4/2006



FLORENCE
CARLTON
SCHOOL

EXHIBIT A-2

FCS Home Page: www.florence.k12.mt.us

5602 Old Hwy 93
Florence MT 59833

JOHN MCGEE
SUPERINTENDENT
Ph. (406) 273-8751

October 23, 2006

REBECCA STAPERT
PRINCIPAL, GR. 9-12
Ph. (406) 273-8301

EDWARD NORMAN
PRINCIPAL, GR. 6-8
Ph. (406) 273-0587

VANCE VENTRESCA
PRINCIPAL, GR. K-5
Ph. (406) 273-6741

CHRISSY HULLA
ASST. PRINCIPAL, GR. K-5
Ph. (406) 273-6741

JULIE LORENSEN
BUSINESS MANAGER
Ph. (406) 273-6751

Ravalli Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

Re: One Horse Estates

Dear Tristan Riddell:

Your letter to the Florence-Carlton School District dated October 16, 2006, requested comments about the One Horse Estates Major Subdivision with two variance requested. In anticipation of this and other subdivision, our district formed a Mitigation Fee committee. This committee took an in depth look at the impact subdivisions would have on our district. They used information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study completed for our district. You will find that the district is requesting a fee of \$10,418 per lot, and will file this request with the Ravalli County Planning Board. We also wish to have it on record that the District will not provide transportation services for any students who do not live on county roads.

If you have any questions, please do not hesitate to contact me.

Sincerely,

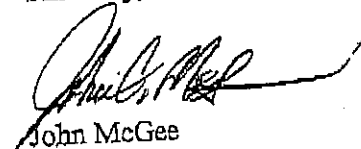

John McGee
Superintendent

EXHIBIT A-3

FLORENCE RURAL FIRE DISTRICT IMPACT FEES

The Florence Rural Fire District has established the following requirements for new purposed subdivisions within it's district. The requirements were established with consideration for life safety of the residence of the district as well as the Volunteers who are called upon to protect the district and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code NFPA1, Articles 9 and 10, and Appendix III-A, The Ravalli County Subdivision Regulations, The Ravalli County Road Department standards and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC (Uniform Fire Code) and establishes a ~~minimum fire prevention code for Montana.~~

Every effort has been made to use words and phrases consistent with the definitions given them in the above mentioned publications.

Development Name: A.P. Lot 1, Blk 9, Sunnyside Orchards #3
(3rd Submittal)
Number of Lots: 3
Developer(s) Name: ?

The Fire Department requires that all roads and bridges meet or exceed and are maintained to, the requirements of the Uniform Fire Code (UFC) section 902, which reads in part:

902.2.1 Required Access. Fire apparatus shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility...

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm)...

902.2.2.2. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief. (The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County. The Resolution sets the maximum acceptable road grade for acceptance for a road by the County for dedication and maintenance at six percent (6%))

While not all parts of the UFC Section 902 are listed above, it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the UFC and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The fire district requires that all lots (premises) meet the requirements of UFC 901.4.4 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above UFC. It appears that the access to all lots will be adequate if built as submitted.

WATER SUPPLY REQUIREMENTS:

The water supply required by the Uniform Fire Code for one or two family dwellings, not exceeding 3600 square feet, requires a flow rate of 1000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guide lines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2500 gallons per lot.

The Florence Rural Fire District currently has an ISO Class 7 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes or a total flow of 4000 gallons per residence.

Considering the above information the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a payment of \$500.00 (Five Hundred Dollars and no/100) per lot, in lieu of the water supply required by the UFC. The Fire District is willing to accept half of the payment upon approval of the Subdivision and the remaining half upon closing of each lot. The Fire District will then upon its elective purchase fire fighting apparatus or develop water supplies.

EXCEPTIONS: 1. When building are completely protected with an approved automatic sprinkler system, the above listed water supply and payment schedule may be reduced by 50%. The Subdivision Covenants must state that "All residences constructed within the subdivision be completely protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built without an approved sprinkler system within the subdivision, all lots will be subject to an additional \$250.00 dollar payment, regardless weather they have sprinklered residences located on them or not.

Larry L Zabel - 3-15-04
Chairperson Date

EXHIBIT A-4

SUBDIVISION APPLICATION PACKET CHECKLIST - Water

Name of Subdivision: ONE HORSE ESTATES

Subdivider/Landowner Name(s):

Consultant Name: RAMMDate Received: 6-8-06 Sufficiency Review Due Date:

| Yes | No | N/A | Item | Additional Information/Staff comments |
|-----|----|-----|---|---------------------------------------|
| | | | (1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities. | |
| | | | Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee. | |
| | | | (a) Vicinity Map or Plan | |
| | | | (i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of: | |
| | | | (A) flood plains | |
| | | | (B) surface water features | |
| | | | (C) springs | |
| | | | (D) irrigation ditches | |
| | | | (E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems | |
| | | | (F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g); | |
| | | | (G) the representative drainfield site used for the soil profile description as required under subsection (1)(d) | |
| | | | (ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities | |
| | | | (b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ. | |
| | | | (c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104. | |

RECEIVED

JUN 08 2006
 10-06-06-887
 Ravalli County Planning Dept.

| Yes | No | N/A | Item | Additional Information/Staff comments |
|-----|----|-----|---|--|
| ✓ | | | (d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes: | |
| ✓ | | | (i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ. | |
| ✓ | | | (ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer. | |
| ✓ | | | (iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii); | |
| ✓ | | | (e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability: | |
| ✓ | | | (i) obtained from well logs or testing of onsite or nearby wells; | |
| ✓ | | | (ii) obtained from information contained in published hydrogeological reports; <u>OR</u> | |
| ✓ | | | (iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104; | |
| ✓ | | | (f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104; | |
| ✓ | | | (g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality. | The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4. |

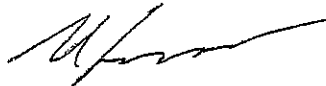


EXHIBIT A-5

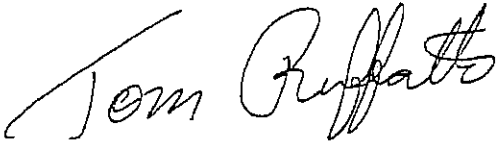
September 29, 2006

Marne Martin
Richard Martin
330 Martin Lane
Florence, Montana 59833

Marne and Richard:

On Thursday September 28, 2006 I met with Richard Martin on the West Side of Hy 93 at proposed subdivision site. We drove up to the West fence line where the Martin (Townsend ditch) comes along the Martin properties and drops down a wooded draw. This draw connects with One Horse Creek further down the property.

After reviewing the Water Resources Survey (green book) and this on site visit, I consider this a ditch until it connects with One Horse Creek. I have enclosed page 31 of Water Resources Survey showing Townsend ditch.

A handwritten signature in cursive script that reads "Tom Ruffatto". The signature is written in dark ink and is positioned above the printed name and title.

Tom Ruffatto
Bitterroot Conservation Supervisor

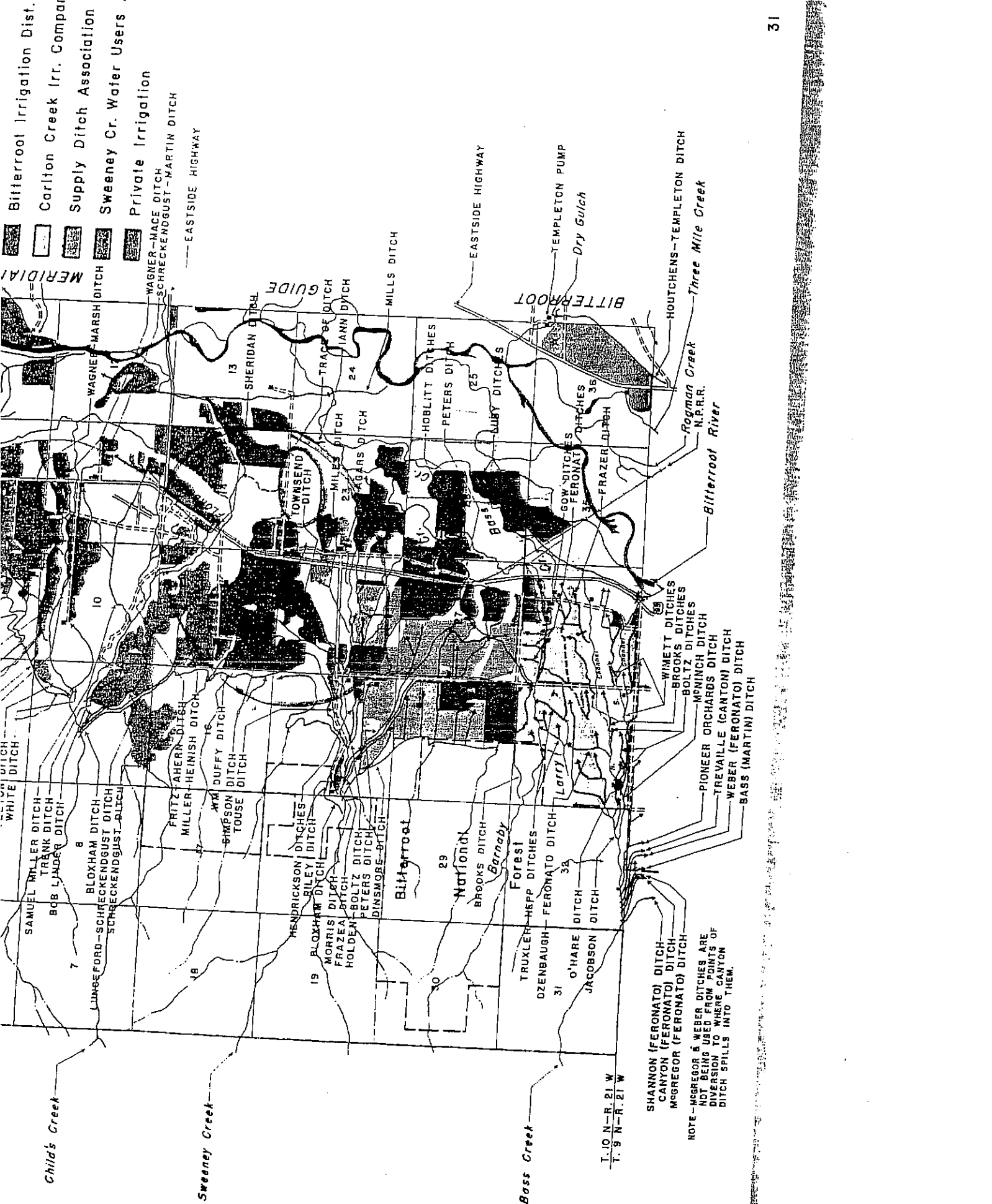


EXHIBIT A-6

Tristan Riddell

From: Steinle, Allan E NWO [Allan.E.Steinle@nwo02.usace.army.mil]
Sent: Thursday, October 26, 2006 4:08 PM
To: Tristan Riddell
Subject: RE: Agency Comment - One Horse Estates

Tristan,

We will provide a written response, but most of our project managers are out of the office right now, so probably won't hit your office for a couple of weeks. What we will say is the developer should hire a consultant to do an inventory of waters that are potentially jurisdictional under the Clean Water Act, to include delineating wetland boundaries. Based on the information you shared in this e-mail, it is likely that this channel is subject to regulation. The developer should not assume he will receive a permit to bury this channel in a pipe, and understand that if we do issue a permit, it will likely require a compensatory mitigation requirement. I could be more definitive if we had the inventory/delineation referenced above. Hope this helps for now.

Allan Steinle
Montana Regulatory Office
Corps of Engineers
(406) 441-1375

From: Tristan Riddell [mailto:triddell@ravallicounty.mt.gov]
Sent: Thursday, October 26, 2006 3:11 PM
To: Steinle, Allan E NWO
Subject: Agency Comment - One Horse Estates

Allan,

Karen Hughes (Ravalli County Planning Director) has worked with you before and recommended I contact you regarding the referenced subdivision. Roughly two weeks ago I sent (via regular mail) a notification requesting comment on the proposed One Horse Estates subdivision. Since then, I have come to realize that you may not have received enough relevant information to make any significant comments. Attached you will find an aerial photo, on-site photographs, and a reduced copy of the preliminary plat. The issue in question is whether, what staff has determined to be a natural drainage, would require the developer to obtain a 404 permit prior to any alterations. The developer has stated that the "natural drainage" is a ditch, and has proposed to pipe it the entire stretch of the property. The proposal is to pipe the drainage using a 24" pipe. The existing vegetation would be removed during the installation of the pipe. The developer has also stated that a swale would be created above the pipe so that additional surface flow could continue in a natural state. Staff was also wondering if you consider the natural drainage feature to be "jurisdictional wetlands" and how this would effect the proposal. Any comments you could supply would be greatly appreciated.

Thank you,

Tristan Riddell
Ravalli County Planning Department
215 S. 4th Street, Suite F
Hamilton, MT 59840
phone (406) 375-6530
fax (406) 375-6531
triddell@ravallicounty.mt.gov

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
MISSOULA WATER RESOURCES REGIONAL OFFICE

RECEIVED

OCT 27 2006

IC-06-10-1698
Ravalli County Planning Dept.
1610 S. 3RD STREET W., SUITE 103
P.O. BOX 5004



BRIAN SCHWEITZER
GOVERNOR

STATE OF MONTANA

(406) 721-4284
FAX (406) 542-1496

MISSOULA, MONTANA 59806-5004

October 26, 2006

EXHIBIT A-7

Tristan Riddell
Ravalli Co. Planning Dept.
215 South 4th ST; Suite F
Hamilton, MT 59840

RE: Proposed One Horse Estates Subdivision

Dear Ravalli Co. Planning Dept:

Thanks for the opportunity to comment on the above mentioned subdivision.

The information provided indicates that the proposed water supply for this 79 lot subdivision is groundwater from individual wells for each of the lots. This proposal for water supply is not in conflict with the Montana Water Use Act. Groundwater sources with a combined appropriation of a flow rate of 35 gallons per minute or less and an annual volume of 10 acre feet or less are exempt from water right permit requirements. Under current regulations, wells must be physically manifold into the same system to be considered as a combined appropriation. Water right filing requirements for these non-manifold lower flow rate & volume wells is satisfied with a Notice of Completion of Groundwater Development filed by the landowner with this office within 60 days of well completion and beneficial use of the water.

As stated above, the proposal for individual wells is not in conflict with the Montana Water Use Act. However, it may be prudent to consider a community water system for a subdivision of this density and number of lots. A community water system offers some advantages over the individual well scenario proposed.

- o A community water system would require the developer to go through the water right permit process. This process requires aquifer testing and analysis and public notice to surrounding water right holders, who would have the opportunity to object to the new water right if they felt they would be adversely affected. With wells that meet the permit exemption there is no public notice process, even though the cumulative effect on the aquifer of all the individual wells will likely be similar to a community system well. Senior water right holders are not protected.

- o The community system would offer less opportunity for groundwater contamination due to fewer "holes in the aquifer" and better wellhead protection afforded by a community system.
- o Given the lot size, wells will be drilled in close proximity to each other. At this distance the wells could interfere with each other, depending on pumping rates and aquifer characteristics. This may result in conflict between neighbors. Limiting the amount of allowable area in lawn and garden, requiring sprinkler systems, and a schedule (limits) for irrigation may reduce the potential for conflict.
- o A community system would be subject to periodic water quality testing, offering assurances to the residents that their water supply meets drinking water standards. There are no testing requirements that I am aware of for single-family wells.

Records indicate that the proposed subdivision area is included in the place of use for irrigation water right(s). The requirements of 76-3-504(i) MCA must be met. To paraphrase, this statute requires a water use agreement administered through a single entity; or, requires the surface water rights to be reserved and severed.

It is recommended that before Variance #2 is granted the developer provide sufficient information to demonstrate that the alteration of the natural drainage will not adversely affect adjacent landowners. It is also recommended that the developer identify how any flows generated by the natural drainage will be routed and where they will be routed.

If you have any questions or comments, I can be reached at 721-4284 or e-mail at bischultz@mt.gov.

Sincerely,



Bill Schultz
Regional Manager



Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

OCT 22 2006
IC-06-10-16603
Ravalli County Planning Dept.

October 20, 2006

Tristan Riddell, Planner I
Ravalli County Planning
215 South 4th Street, Suite F
Hamilton, MT 59840

EXHIBIT A-8

Subject: One Horse Estates - Florence

Tristan, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 79-lot major subdivision "One Horse Estates". The proposed subdivision is located adjacent to US Highway 93 South, just south of Florence in Ravalli County.

The proposed development is within a 5-lane permissive area along the highway. The subdivision will utilize 3 access locations along the highway. Each access is designated private-residential & commercial by deed and right-of-way agreement.

MDT is currently working with the developer to complete our internal review process for this subdivision. Upon completion of our review, MDT will issue new approach permits for the use of the proposed subdivision. These permits will supplement the existing deeds and right-of-way agreements.

Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Dwane Kailey, Missoula District Administrator
Doug Moeller, Missoula Area Maintenance Chief
Ed Ereth, SIAP Supervisor